

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3 and 4 are currently pending in the present application and Claims 3 and 4 are amended. Support for the amendments is found at least in the originally filed specification at page 15, lines 10-25. Thus, no new matter is added.

In the outstanding Office Action, the Abstract was objected to as having an incomplete sentence and Claims 3 and 4 were rejected under 35 U.S.C. § 102(e) as anticipated by Klausmeier et al. (U.S. Patent No. 6,483,854, hereafter “Klausmeier”).

In response to the objection to the Abstract, the Abstract has been amended to have complete sentences. No new matter is added. Accordingly, the objection to the Abstract is believed to have been overcome. Therefore, it is respectfully requested that the objection to the Abstract be withdrawn.

In response to the rejection of Claims 3 and 4, independent Claim 3 has been amended, to recite, “wherein the service class indicates a particular quality of service and includes at least one of a response speed preference, a small transmission delay preference, a small distortion preference, a guaranteed particular band area, and a packet type.” Claim 4 is dependent upon Claim 3. Therefore, arguments made on behalf of Claim 3 also apply to Claim 4.

As shown in page 15, lines 10-25 of the originally filed specification, in one embodiment of Claim 3, each of the buffers is correlated with service classes 1-5 which categorize communication quality. Figure 11 of the originally filed specification also shows an embodiment of Claim 3 where the method performs selection of a buffer based on quality of service.

Klausmeier does not describe a class of service which indicates a “quality of service” as recited in amended Claim 4. Rather, Klausmeier describes segmenting a data frame into a plurality of cells and injecting each of the cells into a logical queue associated with a connection for the frame.¹ Klausmeier describes injecting the cells by transferring each of the cells to a number of memory locations and establishing a series of linked list pointers which are associated with the memory locations.² Klausmeier’s series of linked list pointers comprise its queue.³ Klausmeier describes its cell queue as including a VC queue which corresponds to individual connections and class of service queues which are organized into groups and are used to sort different traffic types.⁴ Klausmeier describes its class of service queues or QBIN queues as organized into groups (QBGS) which correspond to different physical or virtual interfaces.⁵ Klausmeier is silent as to any further definition of its class of service. Consequently, Klausmeier does not describe, “specifying, in a predetermined area of a payload header of a base band communication packet, a service class requested by a communication packet which is exchanged from an upper layer; ... wherein the service class indicates a particular quality of service and includes at least one of a response speed preference, a small transmission delay preference, a small distortion preference, a guaranteed particular band area, and a packet type,” as recited in amended Claim 3.

Accordingly, Applicants respectfully submit that Claims 3 and 4 are allowable. Therefore, it is respectfully requested that the rejection of Claims 3 and 4 under 35 U.S.C. § 102(e) as anticipated by Klausmeier be withdrawn.

¹ Klausmeier, col. 2, lines 63-67.

² Klausmeier, col. 3, lines 1-4.

³ Klausmeier, col. 3, lines 4-5.

⁴ Klausmeier, col. 3, lines 60-64.

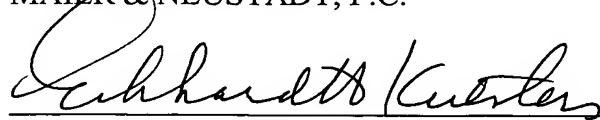
⁵ Klausmeier, col. 3, lines 64-66.

Application No. 10/073,281
Reply to Office Action of August 31, 2006

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

I:\ATTY\MS\PROSECUTION\21S\219178US\219178US-AM DUE 11-30-06.DOC